

## **ARTICLE VI LAYOFF PROCEDURE**

### **Section 1 Application of Layoff**

The Union recognizes the right of management to layoff or to reduce the hours of employment in accordance with the procedures set forth in this Article. Such procedures shall not apply to:

- A. Temporary layoff; and/or
- B. Seasonal layoff of seasonal employees; and/or
- C. Employees with an academic year appointment at institutions and schools, during recesses in the academic year and/or summer.

### **Section 2 General Layoff Procedures**

When a layoff or hours reduction occurs, the following general rules shall apply:

- A. Layoff shall be by classification and subtitle as set forth in the job specifications.
- B. Layoff shall be by organizational unit.

*(General Government and Board of Regents see Appendix B; Community Corrections see Appendix B2; Department of Revenue and Finance see Appendix Q-9)*

C. An agency may not layoff permanent employees until they have eliminated all non-permanent employees within the layoff unit in the same classification in the following order: emergency, temporary, provisional, intermittent, trainee, and probationary.

D. The Employer shall notify the Union at least sixty (60) calendar days in advance of any anticipated layoff.

E. Each employee affected by a reduction in force shall be notified in writing of layoff at least twenty (20) working days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

F. Employees in the layoff unit shall be laid off in accordance with seniority and ability. Layoff shall be by seniority with the least senior employee being laid off first unless the least senior employee possesses special skills and ability required to meet the needs of the Employer, and that the senior employee must also possess the academic qualifications required for the position. In the case of classifications which are used in research laboratories in academic departments of the Board of Regents institutions, the Employer need not retrain an employee to acquire the skills specific to the research projects conducted.

G. A permanent employee in a classification in which layoffs are to be effected may, in lieu of layoff, elect bumping to the next lower classification in the layoff unit in the same series as the classification in which layoffs are to be effected or, in the absence of a lower classification in the same series, to a classification in the layoff unit which the employee has formerly occupied while in the continuous employ of the agency, or in the absence of a classification in the layoff unit which the employee has formerly occupied while in the continuous employ of the agency, to an equal or lower classification in the layoff unit for which they meet the minimum qualifications of the job. The assignment in the classification will be at the Appointing Authority's discretion; however, such assignment shall not be permitted if the result would be to cause the bumping of a permanent employee with greater seniority. To exercise the right of bumping, in lieu of

layoff, the employee must notify the Appointing Authority, in writing, of such election, which must be received or postmarked not later than five (5) calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions shall have the right of election as provided herein.

The Employer shall notify the employee in writing of the exact location of the position to be bumped into. After receipt of this notification the employee shall again have five (5) calendar days in which to notify the Appointing Authority, in writing, to either accept the position or be laid off.

Any employee who elects to bump in lieu of layoff shall have the right of recall to the classification he/she formerly occupied, provided he/she meets the qualifications of the position, before any other person may be promoted to or a new employee hired for such classification by the Appointing Authority enforcing the layoff. Upon bumping, an employee shall retain his/her current rate of pay except that if such rate of pay is higher than the highest rate currently paid for the classification to which the employee bumps, his/her pay shall be reduced to that rate of pay. Additionally, if federal funds are involved, the employee upon bumping, will receive the salary provided by the federal grant. In such an event, the Employer will make a good faith effort to obtain additional federal funds. Any employee laid off because of reduction in force shall be offered a position in the classification from which he/she was laid off provided he/she meets the minimum qualifications for the position, before a new employee may be hired for such position by the Appointing Authority enforcing the layoff, if such opening becomes available within two (2) years of such layoff because of a reduction in force. Employees who are covered by another collective bargaining agreement cannot bump an employee covered by this Agreement.

H. The Employer shall maintain a recall list of employees who were laid off, who exercised their bumping rights, or who made written notice to the Employer of their recovery from long-term disability or injury after the expiration of a leave of absence:

1. Employees who exercised bumping rights shall be placed on the recall list for the class from which they were laid off.

2. Employees who are laid off or who make written notice to the Employer of their recovery from a long-term disability or injury shall be placed on the recall list for the class they held prior to layoff or disability. In addition, the employee may also designate up to fifteen (15) other classes, provided he/she meets the qualifications and/or passes the applicable IDOP merit or BOR merit test, and the specific counties to which the employee will accept recall. The designation of classes or counties may be changed monthly by the employee through procedures agreed to by AFSCME/Iowa Council 61 and the Employer. If an employee is recalled to a position in a classification which the employee has not previously held, the employee will serve a probation period. If the recalled employee fails to successfully complete the probation period, the employee will be laid off without bumping rights and placed on the recall list as described above for a period of two (2) years.

3. Employees who refuse to accept any reassignment in excess of twenty-five (25) miles of the original work site shall be placed on the recall list as described in numbers one (1) and two(2) above.

4. Failure to accept any position listed by the employee pursuant to number two (2) above when offered by certified mail within five (5) calendar days after notice of recall shall negate any further recall rights.

5. If a laid off employee accepts a temporary position, he/she shall remain on the recall list.

I. The determination of the layoff order is subject to the grievance procedure commencing at Step 3. The implementation of such layoff shall not be delayed pending the resolution of such grievances.

J. Whenever a permanent vacancy as defined in Article VII, Section 5 occurs, before a new or temporary employee is hired, employees shall be allowed to transfer or be recalled in the order set forth in Article VII, Section 6.

*(Board of Regents see Appendix M-3)*

### Section 3. Temporary Layoff Procedures:

A. When the Employer determines that a temporary layoff must be implemented, the Employer will determine the total number of days. The temporary layoff shall not exceed ninety (90) consecutive calendar days [30 calendar days for PFS (Appendix Q) and Blue Collar (Appendix G)] per employee per state fiscal year and shall not carry contiguously into the following fiscal year.

B. Prior to implementing a temporary layoff, the Employer will first terminate all non-permanent employees who perform similar duties including temporary service (i.e. Manpower, Olsten, etc.) employees.

C. Employees will be temporarily laid off by seniority within the entire classification series and temporary layoff unit as follows:

DOC: Institutions, Central Offices, and IPI (Plants)

CBC: Districts

DOT: Ames/Des Moines Complex and Districts (but not more than 50% of any work unit).

DHS: Institutions, Central Office, Service Areas

IVH

IWD: Divisions with exception of the Workforce Development Center

Administration Division where the temporary layoff units are Service Delivery Areas (see Appendix T)

General Services: Statewide

DAS: To be addressed in accordance with the MOU

All other State Agencies: Divisions, Districts or Regions and Institutions.

No more senior employee may be subject to the temporary layoff until the preceding less senior employee (within the classification series and temporary layoff unit) is scheduled for the maximum number of temporary layoff days. Employees shall receive a minimum of fourteen (14) calendar days notice of temporary layoff.

D. No more than thirty percent (30%) of the employees in the temporary layoff unit may be temporarily laid off in any fiscal year.

E. Employees in the temporary layoff unit may volunteer for any part of the temporary layoff with the most senior volunteer(s) being accepted unless the absence of the employee would cause a hardship on operating efficiency. Voluntary temporary layoffs shall be for a minimum of one (1) calendar week, unless the parties agree to a shorter length of time. No more senior employee (except volunteers) may be subject to the temporary layoff until the preceding less senior employee (within the classification series and temporary layoff unit) is scheduled for ninety (90) consecutive days.

F. During the temporary layoff, employees shall continue to accrue sick leave and annual (vacation) leave and the Employer will continue to pay the Employer's share of all insurance.

G. For Regents, see Appendix M (current contract language will apply).